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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/693,604 Confirmation No.: 6463
Applicant : Richard ASSAKER *et al.*
Filed : October 27, 2003
Title : ANTERIOR IMPLANT FOR THE SPINE
TC/Art Unit : 3731
Examiner: : David Owen REIP
Docket No. : 64118.000033
Customer No. : 21967

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESUBMISSION OF DOCUMENTS PREVIOUSLY FILED
ON JANUARY 7, 2005**

Sir:

Examiner David Owen Reip recently informed the undersigned that the U.S. Patent and Trademark Office (USPTO) had no copy of the papers filed by Applicants on January 7, 2005, including an Information Disclosure Statement (IDS), an Identification of Certified Copy of Priority Document, and a Response to Notice Under 37 C.F.R. § 1.251. Applicants faxed the previously filed Response to Notice Under 37 C.F.R. § 1.251 (including the Copy of Authorization to Act in a Representative Capacity and the Notice Under 37 C.F.R. § 1.251) to Examiner Reip on September 27, 2005. Applicants are now resubmitting herewith the remaining documents originally filed on January 7, 2005, including an IDS citing 139 references, copies of the cited foreign and non-patent references, an Identification of Certified Copy of Priority Document, and a post card date stamped January 7, 2005 by the USPTO.

If there are any other documents needed by the USPTO, the Examiner is encouraged to contact the undersigned.

It is believed that no fee is required for this Resubmission. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206.

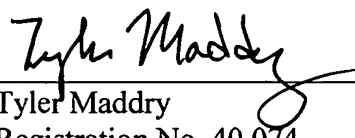
Respectfully submitted,

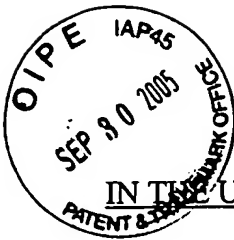
HUNTON & WILLIAMS LLP

Dated: September 30, 2005

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By:


Tyler Maddy
Registration No. 40,074



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Richard ASSAKER et al.
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INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, Applicants are submitting herewith: (1) a first attached Form PTO-SB/08A listing U.S. patents for consideration and to be made of record herein by the U.S. Patent and Trademark Office in the above-captioned application; (2) a second attached Form PTO-SB/08A listing references other than U.S. patents for consideration and to be made of record herein by the U.S. Patent and Trademark Office; and (3) copies of the non-U.S. patent references cited on the second attached form PTO-SB/08A.

On the second attached form PTO-SB/08A, FR 1505513 and FR 2740321 are provided with English translations, and WO 01/26566 is provided with an International Search Report and a Written Opinion.

In U.S. Publication No. 2004/0220571, cited on the second attached form PTO-SB/08A, Applicants filed a Request for Interference against U.S. Patent 6,224,602. U.S. Patent No. 6,224,602 is currently a patent in suit in *Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.*, No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).

Consideration of the foregoing plus the prompt return of a copy of the enclosed first and second Forms PTO/SB/08A with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

Applicants' submission of this Information Disclosure Statement shall not be construed as an admission that the cited references are prior art to the present invention, or that the cited references qualify as printed publications. The submission of this Information Disclosure Statement also shall not be construed as a representation that a prior art search has been performed.

In accordance with 37 C.F.R. § 1.97(b), this Information Disclosure Statement is being submitted prior to a first Office Action on the merits. Therefore, it is believed that no fee is required for consideration of this information. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: JANUARY 7, 2005

By:

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/693,604
				Filing Date	10/27/2003
				First Named Inventor	Richard ASSAKER
				Art Unit	3731
				Confirmation No.	6463
				Examiner Name	Unknown
Sheet	1	of	4	Attorney Docket Number	64118.000033

U.S. PATENT DOCUMENTS

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	2002/0120273	08-29-2002	Needham et al.	
	2	2004/0220571	11-04-04	Assaker et al.	

FOREIGN PATENT DOCUMENTS

*Examiner Initial	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
	3	CH	373516	01-15-1964	Muller			
	4	CH	462375	10-31-1968	Allgower et al.			
	5	CH	468824	04-15-1969	Muller			
	6	CH	566767	09-30-1975	Spiessl et al.			
	7	CH	600862	06-30-1978	Weber			
	8	CH	611147	05-31-1979	Erfinder			
	9	CH	613616	10-15-1979	Jose-Luis Gil			
	10	CH	613858	10-31-1979	Steinemann			
	11	DE	19720782	11-19-1998	Schlapfer			
	12	DE	4409833 A1	10-05-1995	Biedermann et al.			
	13	DE	2340880	08-1973	Niederdelmann, et al.			
	14	EP	0016338 A1	10-01-1980	Brinckmann			
	15	EP	0382256 A1	08-16-1990	Calderale			
	16	EP	0455255 A1	11-06-1991	Ramotowski et al.			
	17	EP	0599640 A1	06-01-1994	Yapp et al.			
	18	EP	0705572 A2	04-10-1996	Trebing et al.			
	19	EP	0897697 A1	02-24-1999	Richelsoph			
	20	FR	1505513	12-15-1967	Benoist		X	
	21	FR	2233973	06-25-1973	Chatin			
	22	FR	2480106	04-13-1981	Wenk			

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Application Number 10/693,604

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First Named Inventor Richard ASSAKER

Art Unit 3731

Confirmation No. 6463

Examiner Name Unknown

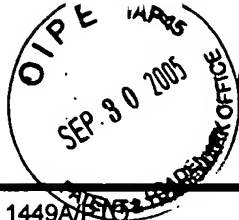
Sheet 2 of 4 Attorney Docket Number 64118.000033

FOREIGN PATENT DOCUMENTS

*Examiner Initial	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
	23	FR	2740321	10-27-1995	Fuentes		X	
	24	FR	2778088	04-30-1998	Assaker et al.			
	25	GB	780,652	08-07-1957	Evans			
	26	UK	1153090	05-21-1969	Synthes AG			
	27	UK	1601383	10-28-1981	Institut Straumann			
	28	WO	95/25474	09-28-1995	Biedermann			
	29	WO	98/34553	08-13-1998	Michelson			
	30	WO	98/34556	08-13-1998	Michelson			
	31	WO	98/52482	11-26-1998	Schlapfer			
	32	WO	99/04718	02-04-1999	Bacelli			
	33	WO	99/56653	11-11-1999	Assaker et al.			
	34	WO	01/26566	04-19-2001	Needham et al.			

OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS

*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
	35	Cross Medical Products, Inc.'s Reply and Counterclaims to Medtronic's Counterclaims (11/13/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).		
	36	Medtronic's Reply and Counterclaim (12/3/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).		
	37	Blackstone Anterior Cervical Plate Brochure; Blackstone Medical Inc.		
	38	Lowery, L. Gary, "Orion Anterior Cervical Plate System," 1995, pp. 1-25.		
	39	Casper, "Anterior Cervical Fusion Instrumentation and Trapezial Osteosynthetic Plates," Aesculap; Publication date unknown.		



Substitute for form 1449A

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number 10/693,604

Filing Date 10/27/2003

First Named Inventor Richard ASSAKER

Art Unit 3731

Confirmation No. 6463

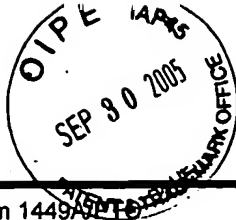
Examiner Name Unknown

Sheet 3 of 4

Attorney Docket Number 64118.000033

OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
	40	Codman, "Codman Anterior Cervical Plate System," Publication date unknown.		
	41	Spine Tech, "Cervi-Lok Cervical Fixation System Surgical Technique Manual," Publication date unknown.		
	42	Satomi, Keichi, DDS et al., "Bone-implant interface structures after nontapping and tapping insertion of screw-type titanium alloy endosseous implants," The Journal of Prosthetic Dentistry, March 1988 59(3):339-342.		
	43	Phillips, John H. et al., "Comparison of Compression and Torque Measurements of Self-Tapping and Pretapped Screws," Plastic and Reconstructive Surgery, March 1989 83(3):447-456.		
	44	An, Howard S et al., "Spinal Instrumentation," Williams & Williams, 1992, pp. 1-11, 49-60, 167-196, 257-280, 379-411.		
	45	Scient'x, "Cervical Plate-Cage Systems," Publication date unknown.		
	46	Synthes, "Cervical Spine Locking Plate System," 1995.		
	47	Smith & Nephew Orthopaedics, "The Aline Anterior Cervical Plate," Publication date unknown.		
	48	AcroMed, "AcroPlate Anterior Cervical System," 1994.		
	49	Edward C. Benzel and Hansen Yuan, "DOC Ventral Cervical Stabilization System," pp. 1-8 AcroMed (1998).		
	50	"DOC Ventral Cervical Stabilization System, Ordering Information for Implants and Instruments," pp. 1-8 AcroMed (1998).		
	51	Hansen Yuan and Edward Benzel, "AcroMed Surgeon-Driven Spinal Solutions, DOC Ventral Cervical Stabilization System," pp. 1-3 Acromed (1998).		



Substitute for form 1449A

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

Application Number	10/693,604
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Art Unit	3731
Confirmation No.	6463
Examiner Name	Unknown

Sheet	4	of	4	Attorney Docket Number	64118.000033
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OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
	52	Author unknown, "Dynamic Compression Plates," pp. 70-79, Publication date unknown.		
	53	Bagby, George W. et al., "An Impacting Bone Plate," from Staff Meetings of the Mayo Clinic, February 6, 1957, 32(3):55-57.		
	54	Bagby, George W. et al., "The Effect of Compression on the Rate of Fracture Healing Using a Special Plate," American Journal of Surgery, May 1958, 95:761-771.		
	55	Bertolin, "The Use of My Compression Plate for Osteosyntheses of the Various Types of Femoral Intertrochanteric Osteotomies," Translation from Italian of a paper presented at the Congress of the Society of Orthopaedics and Traumatology of the Medical Union of the Latin Mediterranean, June 6-7, 1965.	X	
	56	"Premier™ Anterior Cervical Plate System Surgical Technique," Medtronic Sofamor Danek © 2000.		
	57	"Zephir™ Anterior Cervical Plate System Surgical Technique," Medtronic Sofamor Danek © 2000.		

EXAMINER SIGNATURE

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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STATEMENT BY APPLICANT**

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Application Number 10/693,604

Filing Date 10/27/2003

First Named Inventor Richard ASSAKER

Art Unit 3731

Confirmation No. 6463

Examiner Name Unknown

Sheet 1 of 3

Attorney Docket Number 64118.000033

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	RE28,841	06/1976	Allgower et al.	
	2	2,443,363	06/1948	Townsend et al.	
	3	3,386,437	06/1968	Treace	
	4	3,659,595	05/1972	Haboush	
	5	3,741,205	06/1973	Markolf et al.	
	6	3,779,240	12/1973	Kondo	
	7	3,842,825	10/1974	Wagner	
	8	4,102,339	07/1978	Weber et al.	
	9	4,119,092	10/1978	Gil	
	10	4,408,601	10/1983	Wenk	
	11	4,484,570	11/1984	Sutter et al.	
	12	4,488,543	12/1984	Tornier	
	13	4,493,317	01/1985	Klaue	
	14	4,503,848	09/1985	Caspar et al.	
	15	4,513,744	04/1985	Klaue	
	16	4,570,624	02/1986	Wu	
	17	4,794,918	01/1989	Volter	
	18	4,907,577	03/1990	Wu	
	19	4,911,153	03/1990	Border	
	20	4,957,496	09/1990	Schmidt	
	21	4,957,497	09/1990	Hoogland et al.	
	22	4,959,065	09/1990	Arnett et al.	
	23	5,041,113	08/1991	Biedermann et al.	
	24	5,041,116	08/1991	Wilson	
	25	5,057,111	10/1991	Park	
	26	5,108,395	04/1992	Laurain	
	27	5,127,912	07/1992	Ray et al.	
	28	5,127,914	07/1992	Calderale et al.	



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U.S. PATENT DOCUMENTS

29	5,129,899	07/1992	Small et al.	
30	5,147,361	09/1992	Ojima et al.	
31	5,180,381	01/1993	Aust et al.	
32	5,261,910	11/1993	Warden et al.	
33	5,300,073	04/1994	Ray et al.	
34	5,324,290	06/1994	Zdeblick et al.	
35	5,364,399	11/1994	Lowery et al.	
36	5,380,328	01/1995	Morgan	
37	5,397,363	03/1995	Gelbard	
38	5,423,826	06/1995	Coates et al.	
39	5,484,439	01/1996	Olson et al.	
40	5,486,176	01/1996	Hildebrand et al.	
41	5,487,743	01/1996	Laurain et al.	
42	5,492,442	02/1996	Lasner	
43	5,545,166	08/1996	Howland	
44	5,549,612	08/1996	Yapp et al.	
45	5,558,674	09/1996	Heggeness et al.	
46	5,578,034	11/1996	Estes	
47	5,601,553	02/1997	Trebing et al.	
48	5,607,426	03/1997	Ralph et al.	
49	5,616,142	01/1997	Yuan et al.	
50	5,616,144	04/1997	Yapp et al.	
51	5,620,443	04/1997	Gertzbein et al.	
52	5,676,666	10/1997	Oxland et al.	
53	5,681,311	10/1997	Foley et al.	
54	5,735,850	04/1998	Baumgartner et al.	
55	5,766,254	06/1998	Gelbard	
56	5,797,911	09/1998	Benzel et al.	
57	5,800,433	09/1998	Benzel et al.	
58	5,824,088	10/1998	Kirsch	

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
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First Named Inventor	Richard ASSAKER
Art Unit	3731
Confirmation No.	6463
Examiner Name	Unknown

Sheet 3 of 3

Attorney Docket Number 64118.000033

U.S. PATENT DOCUMENTS

59	5,827,286	10/1998	Incavo et al.	
60	5,851,207	12/1998	Cesarone	
61	5,876,402	03/1999	Errico et al.	
62	5,904,683	05/1999	Pohndorf et al.	
63	5,951,558	09/1999	Fiz	
64	5,954,722	09/1999	Bono	
65	5,957,927	09/999	Magee et al.	
66	5,964,761	10/1999	Kambin	
67	5,973,223	10/1999	Tellman et al.	
68	5,984,925	11/1999	Apgar	
69	6,017,345	01/2000	Richelsoph	
70	6,129,730	10/2000	Bono et al.	
71	6,136,002	10/2000	Shih et al.	
72	6,139,550	10/2000	Michelson	
73	6,152,927	11/2000	Farris et al.	
74	6,193,721	02/2001	Michelson	
75	6,224,602	05/2001	Hayes	
76	6,235,034	05/2001	Bray	
77	6,248,105	06/2001	Schlapfer et al.	
78	6,258,089	07/2001	Campbell et al.	
79	6,306,136	10/2001	Baccelli	
80	6,533,786 B1	03/2003	Needham et al.	
81	6,602,256	08/2003	Hayes	
82	6,652,525	11/2003	Assaker et al.	

EXAMINER SIGNATURE

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



UTILITY ☒

DESIGN ☐

Application Serial No.: 10/693.604

Client/Matter: 64118.000033

Inventor: Richard ASSAKER

Client: Medtronic

Filing Date: 10/27/03

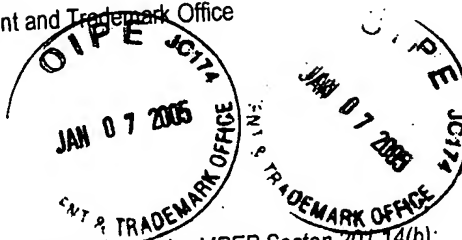
Date: 4/22/04

Atty/Sec.: TM/fm

Title: ANTERIOR IMPLANT FOR THE SPINE

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- 1) Information Disclosure Statement;
- 2) PTO/SB/08A listing 57 references;
- 3) Copies of 57 references;
- 4) PTO/SB/08A listing 82 references;
- 5) Identification of Certified Copy of Priority Document under MPEP Section 201.14(b);
- 6) Response to Notice under 37 C.F.R. Section 1.251;
- 7) Copy of Authorization to Act in a Representative Capacity filed 8/11/04 with copy of PTO date stamped postcard; and
- 8) Notice under 37 CFR 1.251



DOCKETED

★ 1/10/05